

Tuesday October 22, 2013

Senate Finance Committee
Room

2:00 p.m. to 4:00 p.m.

Legislative Rule-Making
Review Committee
(Code §29A-3-10)

Jeffery V. Kessler
ex officio nonvoting member

Tim Miley
ex officio nonvoting member

Senate

House

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|------------------|---------|-----------------------|---------|
| Snyder, Chairman | Present | Poore, Chairman | Present |
| Laird | Present | Marcum, Vice Chairman | Present |
| Miller | Present | Eldridge | Present |
| Unger | Present | Fleischauer | Present |
| Boley | Present | Frich | Present |
| Hall, M. | | Sobonya | Present |

The Legislative Rule-Making Review Committee, met in the Senate Finance Committee Room at 2:00 p.m. on Tuesday, October 22, 2013. The meeting was called to order by Senator Snyder, and a silent roll call was taken, as reflected above.

Delegate Marcum moved the approval of the minutes of the September 23, 2013 meeting. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Insurance Commission, Utilization Review and Benefit Determination, 114CSR95**, and responded to questions from the Committee. Mr. Skinner stated that the Commission has agreed to technical modifications.

Tim Murphy, Counsel, Insurance Commission, responded to questions from the Committee.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Insurance Commission, Health Plan Issuer Internal Grievance Procedure, 114CSR96**, and responded to questions from the Committee. Mr. Skinner stated that the Commission has agreed to technical modifications.

Tim Murphy, Counsel, Insurance Commission, responded to questions from the Committee.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Insurance Commission, External Review of Adverse Health Insurance Determinations, 114CSR97**, and responded

to questions from the Committee. Mr. Skinner stated that the Commission has agreed to technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Thoroughbred Racing, 178CSR1**. Mr. Baker stated that the Commission has agreed to technical modifications.

Delegate Poore moved that the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Regional Jail and Correctional Facility Authority, Criteria and Procedures for Determination of Projected Costs Per Day for Inmates Incarcerated in Regional Jails Operated by the Authority, 94CSR7**. Mr. Baker stated that the Authority has agreed to technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Department of Transportation, Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7**.

Delegate Poore moved the proposed rule be approved. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Alcohol Beverage Control Commission, Private Club Licensing, 175CSR2**. Mr. Baker stated that the Commission has agreed to technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Alcohol Beverage Control Commission, Farm Wineries, 175CSR3**. Mr. Baker stated that the Commission has agreed to technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Alcohol Beverage Control Commission, Sale**

of Wine, 175CSR4. Mr. Baker stated that the Commission has agreed to technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Alcohol Beverage Control Commission, Nonitoxicating Beer Licensing and Operations Procedures, 176CSR1,** and responded to questions from the Committee. Mr. Baker stated that the Commission has agreed to technical modifications.

Anoop Bhasim, Counsel, ABCC, responded to questions from the Committee.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Bureau for Public Health, Clinical Laboratory Technician and Technologist Licensure and Certification, 64CSR57.** Mr. Johnson stated that the Bureau has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medication Administration and Performance of Health Maintenance Tasks by Unlicensed Personnel, 64CSR60.** Mr. Johnson stated that the Department has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Medical Examiner Rule for Postmortem Inquiries, 64CSR84.** Mr. Johnson stated that the Department has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Formation and Approval of Dental Corporations; and Dental Practice Ownership, 5CSR6.**

Delegate Poore moved the proposed rule be approved. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Practitioner Requirements for Accessing the West Virginia Controlled Substance Monitoring Program Database, 5CSR10**. Ms. Stewart stated that the Board has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Continuing Education Requirements, 5CSR11**.

Delegate Poore moved the proposed rule be approved. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Dental Examiners, Expanded Duties of Dental Hygienists and Dental Assistants, 5CSR13**.

Delegate Poore moved the proposed rule be approved. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Board of Veterinarian Medicine, Registration of Veterinary Technicians, 26CSR3**. Mr. Hatfield stated that the Board has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Board of Veterinary Medicine, Certified Animal Euthanasia Technicians, 26CSR5**, and responded to questions from the Committee.

Delegate Poore moved the proposed rule be approved. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Board of Veterinary Medicine, Schedule of Fees, 26CSR6**. Mr. Hatfield stated that the Board has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Real Estate Commission, Schedule of Fees, 174CSR2**, and responded to questions from the Committee. Mr. Hatfield stated that the Commission has agreed to

the technical modifications.

Kevin Hypes, Deputy Director, WV Real Estate Commission, responded to questions from the Committee.

Delegate Sobonya requested a Rule 49 ruling requesting to be excused from voting citing a conflict of interest. Chairman Snyder ruled that Delegate Sobonya would be excused from voting.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Division of Rehabilitation Services, Ron Yost Personal Assistance Services Act Board, 198CSR1**. Ms. Graham stated that the Division has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Division of Labor, Wage Payment and Collection Act, 42CSR5**, and responded to questions from the Committee. Ms. Graham stated that the Division has agreed to the technical modifications.

John Junkins, Deputy Commissioner, Division of Labor, responded to questions from the Committee.

Delegate Fleischauer moved to remove §11 from the rule. The motion was adopted. The Division of Labor agreed to this additional modification.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the **WV Division of Labor, Employer Wage Bonds, 42CSR33**. Ms. Graham stated that the Division has agreed to the technical modifications.

Delegate Poore moved the proposed rule be approved as modified. The motion was adopted.

There being no further business to come before the Committee, Delegate Poore moved to adjourn. The motion was adopted.